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Acting United States Secretary of Labor*

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JULIE A. SU,
Acting Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

COWAY USA, INC.,

Defendant.

Case No.
2:24-cv-08156-JLS-AJR

**THE ACTING SECRETARY'S
RESPONSE TO THE COURT'S
ORDER TO SHOW CAUSE RE
DISMISSAL FOR LACK OF
PROSECUTION**

1 Dismissal of this action is not appropriate as the Acting Secretary has been
2 diligent in prosecuting this matter since filing the Complaint on September 23,
3 2024, including duly serving Defendant with the summons and Complaint on
4 September 26, 2024 and again on October 7, 2024.

5 Notwithstanding the Acting Secretary's good faith efforts to prosecute this
6 action, Defendant Coway's counsel has engaged in gamesmanship concerning
7 service which has delayed this matter. Specifically, counsel for Defendant initially
8 agreed to accept service via email. Upon being served by this method on
9 September 26, counsel for Coway disclaimed his prior statement, and
10 communicated vague assertions about service to the Acting Secretary. (Declaration
11 of Jennifer L. Sta.Ana).

12 Rather than seek an entry of default based on this now-contested September
13 26 service date, which would invite unnecessary litigation and waste the Court's
14 resources, the Acting Secretary elected to re-serve Defendant in-person, which she
15 did on October 7, 2024. *See* Dkt. No. 14. Based on this second service date,
16 Defendant's deadline to respond to the Complaint is October 28, 2024. *See* Fed. R.
17 Civ. P. 12(a). Accordingly, and in the event that Defendant fails to respond to the
18 Complaint by this October 28 deadline, the Acting Secretary intends to request an
19 entry of default and to move for a default judgment thereafter.

20 Based on the above, the Acting Secretary requests that the Court accept this
21 response as satisfactory to its Order to Show Cause, and to afford the Acting
22 Secretary until at least November 1, 2024 to request entry of default in the event
23 that Defendant fails to respond to the Complaint by October 28, 2024.

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Respectfully,

Dated: October 24, 2024

/s/ Jennifer L. Sta.Ana
JENNIFER L. STA.ANA
Attorneys for Plaintiff Julie A. Su
Acting Secretary of Labor